

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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KINSLEY CONSTRUCTION, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	No. 5:15-cv-05185
	:	
THE KROGER CO.,	:	
	:	
Defendant.	:	

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**ORDER**

AND NOW, this 23<sup>rd</sup> day of September, 2016, upon consideration of Defendant's Motion for Summary Judgment, ECF No. 31, Defendant's Motion for Partial Summary Judgment, ECF No. 32, and Plaintiff's Motion for Partial Summary Judgment, ECF No. 33, and for the reasons stated in the accompanying Memorandum Opinion issued this date, **IT IS ORDERED THAT** the parties' motions for summary judgment, ECF Nos. 31, 32, and 33, are **DENIED**.

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.*  
JOSEPH F. LEESON, JR.  
United States District Judge